



MEMORANDUM

DATE: December 31, 2008
For January 15, 2009 Hearing

TO: Peter M. Gavin
Zoning Examiner

Albert Elias
FROM: Albert Elias, AICP
Urban Planning & Design
Director

SUBJECT: REZONING – URBAN PLANNING AND DESIGN REPORT
C9-08-17 Children's Success Academy – Bilby Road, R-2 to C-1 Zone (Ward 5)

Issue – This is a request by Children's Success Academy, Inc., to rezone approximately 0.43 acres from R-2 to C-1 zoning, to allow the expansion of an existing charter school. The rezoning site is located on the northeast corner of Morris and Bilby roads. (see Case Location Map). The preliminary development plan proposes an access drive, parking and classrooms on the rezoning site.

Department of Urban Planning and Design Recommendation – The Department of Urban Planning and Design recommends approval of C-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped.

Surrounding Zones and Land Uses:

North: Zoned R-2; Single-family residential

South: Zoned C-1; Existing Children's Success Academy (Single-family residential across Bilby Road)

East: Zoned R-2; Convenience Store

West: Zoned R-2; Single-family residential

Previous Cases on the Property: none

Related Cases:

C9-95-12 Shettlesworth – Campbell Avenue, R-1 to C-1. This was a rezoning request for 3.8 acres located on the west side of Campbell Avenue, approximately 700 feet south of Irvington Road, to allow the development of two restaurants and four storage buildings. On November 18, 1996, the Mayor and Council adopted Ordinance No. 8773, rezoning a portion of the property

from R-1 to B-1 (C-1). On November 8, 1997, Building Permit No. T97CM1062 for a restaurant in the northeast corner of the rezoning site was issued, effectuating the C-1 zoning on approximately 0.5 acres of the 3.8 acres rezoning site. On January 10, 2000, the Mayor and Council approved a five-year time extension from June 26, 2000, to June 26, 2005, subject to certain conditions.

On February 9, 2001, a request to change the preliminary development plan on the remaining 3.3 acres of the rezoning site was submitted. The revised preliminary development plan was for a charter school with 300 students and the balance of the site previously rezoned for a restaurant, was not included in this request. The revised preliminary development plan included four, one-story buildings comprised of three classroom buildings and an administration building. On June 25, 2001, the Mayor and Council approved the requested change of condition/development plan and Building Permit No. T02CM02851 was issued in 2002.

Applicant's Request – The applicant requests C-1 zoning to allow the expansion of an existing charter school on 0.43 acres.

Planning Considerations

Land use policy direction for this area is provided by the *General Plan*. Although the site is located within the *Kino Area Plan*, little policy guidance relevant to this request is provided by the *Plan*.

General Plan policies support continued neighborhood reinvestment, and promotes infill development that is designed to be sensitive to site and neighborhood conditions. Compatible development is supported to protect established land uses, including residential neighborhoods. Policies support development that promotes neighborhood identity and visual character.

Residentially-scaled neighborhood commercial uses are supported along collector streets, if the use will not generate significant auto traffic from outside the neighborhood, and the hours of operation area limited. Appropriate locations for commercial and office development are supported, with priority for development in the existing urbanized area, to promote use and improvement of existing infrastructure, and meet residents' needs for goods and services in a cost-effective manner. Quality in design is also promoted.

The rezoning site is at the edge of the R-2 zoned residential neighborhood to the north and the C-1 commercially zoned area along Bilby Road. East of the existing school is a convenience market with gas pumps, at the northwest corner of Park Avenue and Bilby Road. East and northeast of the rezoning site is a vacant lot in C-1 zoning that fronts along Park Avenue. North of the rezoning site is a one-story apartment complex in R-2 zoning, and single-family residences are further north. To the west across Morris Boulevard is a church in C-1 zoning, and north of the church are single-family residences in R-2 zoning. The area to the south across Bilby is zoned MH-1 and C-1, and developed predominately with mobile home uses, and some single-and multi-family residences.

Vehicular access to the rezoning site is proposed from Bilby Road. Bilby Road, identified as a collector roadway with a future right-of-way of 64 feet on the *Major Streets and Routes Plan (MS&RP)* map, is south of the rezoning site. Park Avenue, located east of the rezoning, is identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map. Nogales Highway is located west of the site and is identified on the *Major Streets and Routes Plan* map as a State Route.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 310 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The Children's Success Academy, an elementary school serving grades K-5, occupies an approximately 0.85-acre site at the northeast corner of Bilby Road and Morris Boulevard. Phase One of the proposal is to expand the school north onto the property immediately adjacent to the existing school. Renovation of the existing school is proposed for Phase Two. The combined parcel size will be 1.27 acres and will allow an enrollment of up to 240 students, almost double the current enrollment. Although only the northern part of the school site is being rezoned, Staff has considered both parcels for this review because the site will function as a single development.

The applicant proposes single-story architecture with a maximum height of 18 feet. Staff recommends that the architectural features on the side and rear facades should incorporate the same details as those on the front façade. The Design Compatibility Report indicates that exterior building colors will blend in with the desert environment. Staff recommends that all exterior mechanical equipment be screened from view from the surrounding properties and roadways to enhance the visual character of the development.

A combination of existing and new masonry screen walls are proposed around the site perimeter. Staff recommends that all screen walls be constructed of or painted with, graffiti-resistant materials. Staff also recommends that the proposed screen walls include a decorative design with surface texture and colors that complement the building. The preliminary development plan shows landscape borders along the south, east and west sides of the combined school site, on the school side of screen walls. No landscape border is shown along the north property boundary, adjacent to the apartments. Approximately one canopy tree for every four parking spaces is shown along the northern tier of parking spaces. The trees and the masonry screen wall should provide sufficient screening between the school expansion and the residential areas to the north.

To further mitigate the adjacent residential areas, staff recommends that all trash dumpsters and loading/delivery areas be located at least 50 feet from residentially-zoned areas to the north, and that the hours of operation, including loading and trash removal, be limited to between 6:00 a.m. and 10:00 p.m. The applicant proposes parking lot and building entry lighting that is directed

downward. Staff recommends that all outdoor lighting be full cutoff, directed down and shielded away from adjacent residential areas and public streets.

Drainage/Grading/Vegetation – The site does not lie within a mapped floodplain. Drainage is generally westerly. The site lies within the Airport Wash watershed, a designated balanced basin. Because the total site area is greater than one acre and lies within a balanced basin, both detention of the 2, 10 and 100-year events, and threshold retention of the 5-year volume are required. The applicant proposes water harvesting to supplement irrigation of the onsite vegetation. If this volume and its effect on the flow rates are not sufficient to meet balanced basin requirements, detention/retention will still be necessary. Detention/retention requirements will be based upon the difference in imperviousness between the site as it existed as the Moose Lodge and the site used as the Children's Success Academy, including the portion subject to this rezoning. Onsite soils are hydrologic group Type B and have moderate infiltration capabilities.

Road Improvements/Vehicular Access/Circulation – Morris Boulevard is a paved local street with a speed limit of 25 miles per hour and a "STOP" condition at Bilby Road. Bilby Road is a *MS&RP* Collector with a proposed right-of-way of 64 feet and a posted speed of 40 miles per hour. Sidewalks exist along the frontage of both streets. The applicant proposes one entry access on Morris Road and a one-way drive that exists onto Bilby Road. A student drop off is to be located at the northeast end of the proposed school building, away from street traffic.

Conclusion – The proposal is consistent with General Plan policies, which support continued neighborhood reinvestment, and promote compatible infill development that is designed to be sensitive to site and neighborhood conditions. General Plan policies also support residentially-scaled neighborhood commercial uses along collector streets, like Bilby Road, if the use will not generate significant auto traffic from outside the neighborhood, and the hours of operation are limited. Subject to compliance with the attached preliminary conditions, approval of the requested C-1 zoning is appropriate.

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated November 6, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. Buildings shall be designed to have four-sided architecture. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, rooflines and exterior materials. Colored and dimensioned elevation drawings shall be submitted as part of the development plan submittal, to demonstrate compliance with this condition.
9. The expansion and remodeling shall be accomplished in a manner that yields a cohesive site design.
10. The color scheme shall be consistent with the Sonoran Desert environment, and shall complement the surrounding development. Information shall be submitted with the development plan, including colored elevation drawings and colored photographs of development in the neighborhood, to demonstrate compliance with this condition.
11. The maximum building height shall be 18 feet.

12. Screen walls shall have a decorative design, and be graffiti-resistant. Wall colors and exterior treatment shall complement the buildings.
13. All screen walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
14. Six (6) inch wide fence block or greater shall be used for perimeter walls.
15. Exterior mechanical equipment shall be screened from view from the surrounding properties and streets, and the equipment and screening shall be integrated into the site design.
16. All trash dumpsters and loading/delivery areas shall be located at least 50 feet from residentially-zoned areas to the north.
17. Hours of operation, including loading and trash removal, shall be limited to between 6:00 a.m. and 10:00 p.m.
18. All outdoor lighting shall be full cutoff, directed down and shielded away from adjacent residential areas and public streets.

DRAINAGE/GRADING/VEGETATION

19. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
20. One canopy tree shall be planted for every four parking spaces, within vehicle use areas.
21. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
 - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be

designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.

d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.

e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.

f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

22. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website:
<<http://dot.ci.tucson.az.us/stormwater/>>.

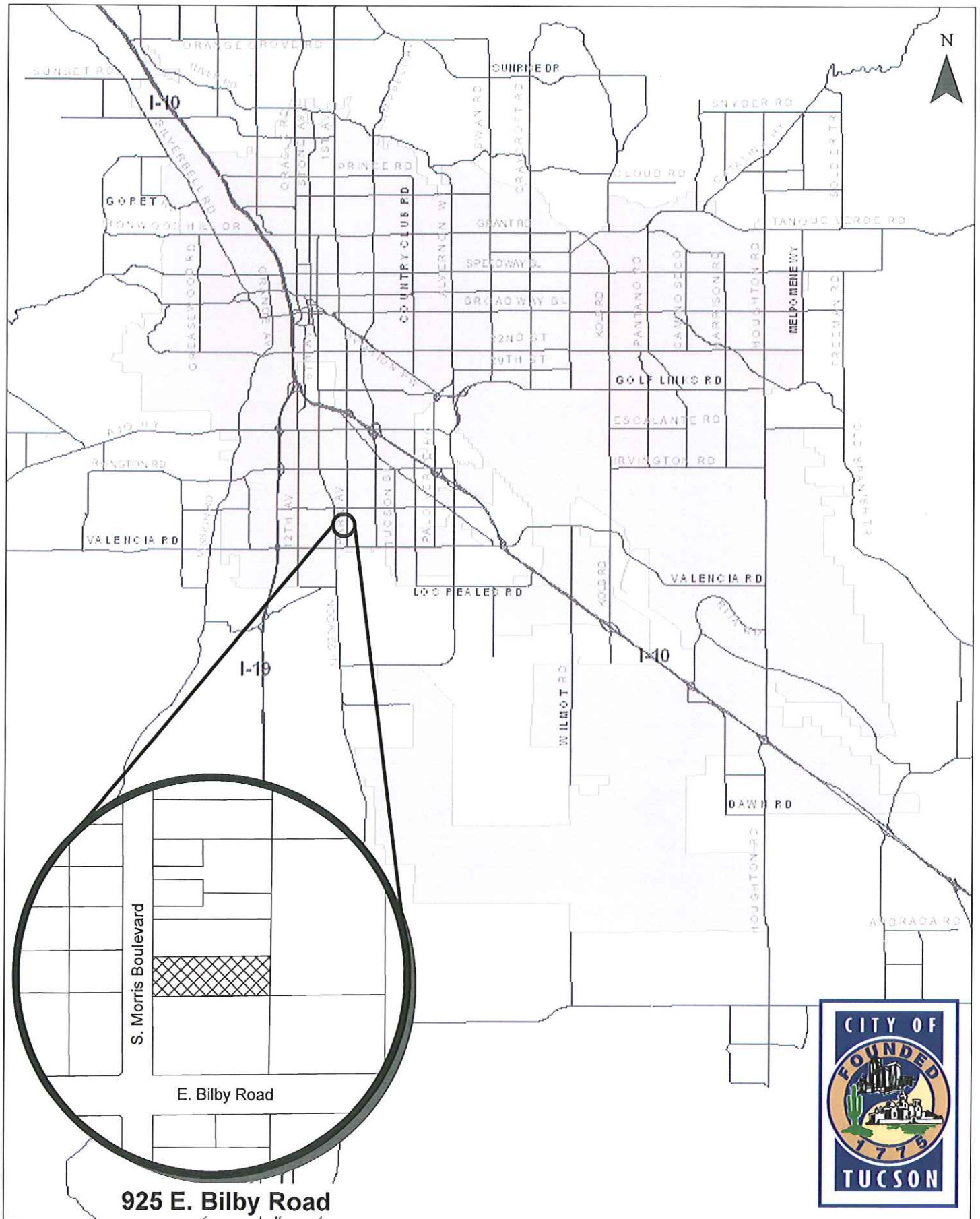
To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed. Consult the Office of Conservation and Sustainable Development prior to the development of water harvesting plans.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

23. The owner/developer shall dedicate, or verify the existence of, the north half right-of-way of Bilby Road per the *Major Streets and Routes Plan*.
24. The owner/developer shall dedicate a 30-foot radius spandrel at the southwest corner of the site.
25. The owner/developer shall dedicate additional right-of-way for Morris Road as may be required by DSD/City Development Standards.

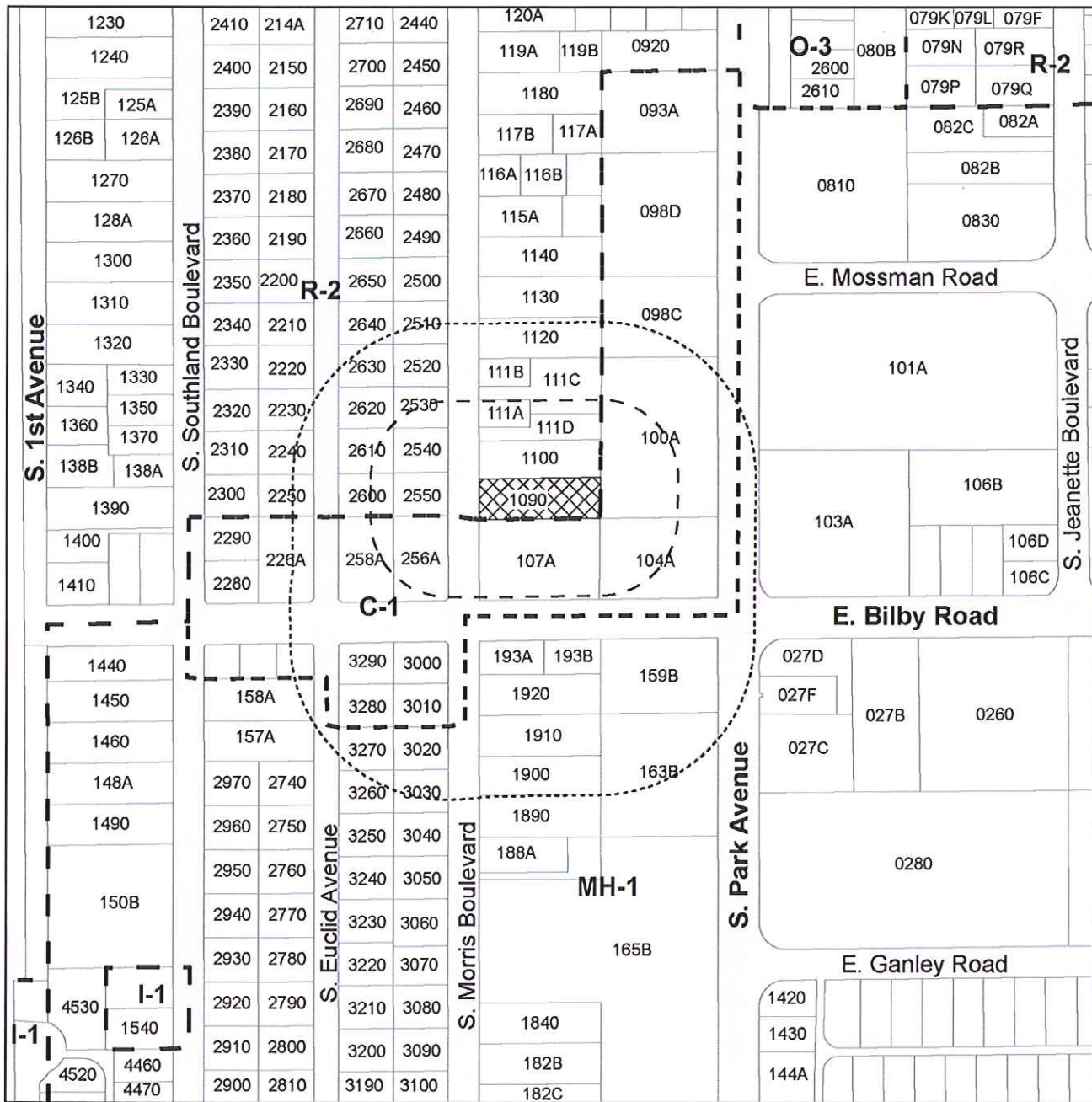
26. The owner/developer shall install appropriate pavement, curbs and sidewalks along the Bilby Road and Morris Road frontages of the site as required by DSD/City Development Standards.
27. The Owner/Developer shall submit a Traffic Impact Analysis or Traffic Statement at the time of tentative/development plan review, to ensure that queuing of vehicles during drop-off and pick-up times, does not extend into public right of way (Morris Road and extending out to Bilby Road).
28. The Owner/Developer shall post signs at the Bilby Road egress, indicating one-way traffic/do not enter; and at the Morris Boulevard ingress, indicating one-way traffic/do not exit.
29. The Owner/Developer shall provide a clearly marked crosswalk area, linking the sidewalk along Morris Boulevard on the north side of the ingress to the walkway adjacent to north/west side the school building.
30. A lot tax parcel combination and a covenant regarding the use and development of real property will be required to be completed for the two parcels.

C9-08-17 Children's Success Academy




C9-08-17 Children's Success Academy

Rezoning Request: from R-2 to C-1



0 150 300 Feet
1 inch = 300 feet

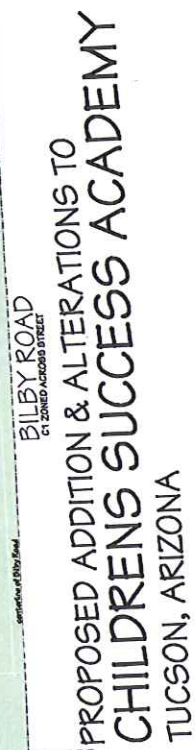
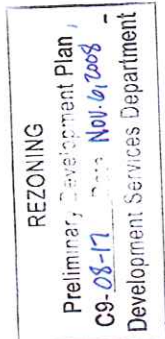
-  Area of Rezoning Request
-  Protest Area (150 foot radius)
-  Notification Area (300 foot radius)
-  Zone Boundaries

Neighborhood, Area Plan(s): Kino Area Plan
Address: 925 E. Bilby Road
Base Maps: Sec.07 T.15 R.14
Ward: 5





C9-08-17 Children's Success Academy
October 2008 Aerial



Dennis R. Holloway, Architect, NOVEMBER 2, 2008



ADDRESS:
525 E. BILBY ROAD
TUCSON, AZ 85706
57 T66 FME

GENERAL NOTES

1. OUTDOOR SWIMMER ARE NOT PERMITTED ON THE SCHOOL SITE WITHIN 100 FEET OF R.S. OR MOZE. RESPECTED ZONED PROPERTY.

LEGAL DESCRIPTION:
SOUTHLAND PARK, LOT 19, BLOCK 4
SOUTHLAND PARK, LOT 17, BLOCK 4
SOUTHLAND PARK, LOT 19, BLOCK 4
LESS 5' 10' FOR ROAD

LOT ACRES:
LOT 17 = .19; 36.010 97.

[illegible]

CAS PROPOSED USE: 15
BUILDING HEIGHT:
MAXIMUM ALLOWED: 20 FEET
PROPOSED HEIGHT: 16 FEET VANNUA
FLOOD ZONE STATUS:
FEAR FLOOD ZONE X